

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Drawings

The drawings were objected to under 37 C.F.R. Section 1.165(a) as not being artistically and/or competently executed. Applicants herewith enclose revised drawings for review and consideration by the Examiner. If the Examiner still has concerns regarding these figures, she is invited to contact the undersigned attorney at her earliest convenience.

Objection to the Claims

The claim is objected to because the claim needed to be directed to a chrysanthemum plant. The claim has been amended as suggested by the Examiner. Therefore, this objection should be withdrawn.

Objection to the Disclosure

The disclosure is objected to under 37 C.F.R. Section 1.163(a) and under 35 U.S.C. Section 112, first paragraph, as providing a less than full, clear and complete botanical description of the plant and characteristics which define the same per se and which distinguish the plant from related known cultivars and antecedents.

Specifically, the Examiner asked that Applicant provide or correct the following information in the specification:

- a. The Examiner requested that Applicants positively recite whether all plants disclosed in the specification have been patented or are the subject of a pending U.S. Plant patent application or are unpatented. Applicants have amended the application to include this information requested by the Examiner.

- b. The Examiner requested that the Applicants set forth the specific species of the female parent plant. Applicants submit that the species of the female parent plant is provided on page 1 of the specification and is *Dendranthema weyrichii*.
- c. The Examiner states that the Applicants have not set forth an accurate account of the claimed plant's parents. The Examiner states that the claimed plant is not a direct cross of *Dendranthema weyrichii* x *Dendranthema grandiflora*. Applicants have amended the specification to address this objection and to make it more clear as to the crosses that lead to the development of the claimed plant.
- d. The Examiner states that Applicants' color designations do not comply with the RHS colour chart system. The RHS colour chart used by Applicants to identify the colors of the claimed variety was the 1995 RHS color chart. Applicants submit that the colors of the claimed variety comply with this version of the colour chart. If the Examiner would like more information on this edition of the RHS colour chart, please do not hesitate to contact the undersigned attorney.
- e. The Examiner states that "Chart A" on page 9 should be amended to "Table A" and should be moved into the specification. Applicants thank the Examiner for this helpful suggestion and have moved this table into the specification.
- f. The Examiner states that Applicants' use of the multiplication sign "x" for the scientific name is not admissible. Applicants submit that the use of the multiplication sign, x, as part of the "collective epithet" is correct. As showed by the enclosed print out from the "International Code of Botanical Nomenclature", "[F]or nomenclatural purposes, the hybrid nature of a taxon is indicated by placing the multiplication sign x before the name of an intergeneric hybrid or

before the epithet in the name of the interspecific hybrid". Thereupon, Applicants submit that its use of the "x" as part of an epithet throughout the specification is appropriate.

g. The Examiner states that Applicants should set forth information relating to blooming into the specification. Applicants have amended the specification to include information on the longevity of the bloom. Additionally, Applicants direct the Examiner's attention to page 6 of the specification where under "Flowering response" it says "About 6 weeks (SD)". "SD" stands for "short day".

h. The Examiner states that Applicants should set forth information relative to the number of stamens and pistils as well as a description of the seed/fruit. Applicants have amended the specification to include this information.

In view of the above amendments and arguments, Applicants submit that the objection of the disclosure under 37 C.F.R. Section 1.163(a) and under 35 U.S.C. Section 112, first paragraph, should be withdrawn.

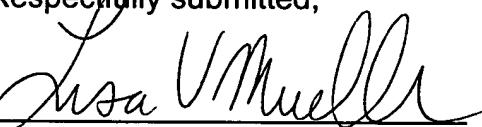
Claim Rejection – 35 U.S.C. Section 112, First and Second Paragraphs

Claim 1 is rejected under 35 U.S.C. Section 112, first and second paragraphs as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Objection to the Disclosure. In view of the above amendments and arguments provided above in with respect to the objection of the disclosure, Applicants submit that this rejection is now moot and should be withdrawn.

If any additional fees are incurred as a result of the filing of this paper,
authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By:


Lisa V. Mueller (Reg. No. 38,978)

Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 MADISON STREET
SUITE 3800
CHICAGO, IL 60661
(312)-876-1800